

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

IRON MOUNTAIN MINES, INC. and
T.W. ARMAN,

Defendants.

STATE OF CALIFORNIA, On behalf of the
California Department of Toxic Substances
Control and the California Regional Water
Quality Control Board for the Central Valley
Region,

Plaintiff,

v.

IRON MOUNTAIN MINES, INC. and
T.W. ARMAN,

Defendants.

AND RELATED COUNTER- AND
THIRD-PARTY CLAIMS

Civil No. S-91-0768 JAM-JFM

(Consolidated for all purposes with
Civil No. S-91-1167 JAM-JFM)

ORDER GRANTING PLAINTIFF
UNITED STATES' MOTION TO
AMEND THE JULY 13, 2010 ORDER
FOR PARTIAL SUMMARY
JUDGMENT FOR UNITED STATES'
RESPONSE COSTS

This matter comes before the Court on the United States' Motion to Amend this Court's
July 13, 2010 Order (Docket 1318) granting the United States' Motion for Partial Summary
Judgment for response costs it incurred in its environmental cleanup of the Iron Mountain Mine

1 Superfund Site. Upon consideration of the Motion to Amend, and of the Defendants' response
2 thereto, it is, this 1st day of October, 2010,

3 ORDERED that the United States' Motion to Amend is GRANTED.

4 IT IS FURTHER ORDERED that the Court's July 13, 2010 Order is amended as follows.

- 5 1. The three sentences at page 2, line 15 through page 3, line 1 ("Costs incurred after
6 this date to the present . . . under CERCLA (Doc. #1241).") are replaced by the
7 following:

8 "Some later response costs, incurred after December 8, 2000, were
9 a part of a settlement ("the settlement" or "consent decree") on that
10 date with former defendant Rhône-Poulenc and other settling
11 parties, but most response costs were not. Most of the response
12 costs which were part of the settlement (and incurred after
13 December 8, 2000) were not paid to the Plaintiffs but, instead,
14 were paid by Rhône-Poulenc to third parties to maintain and
15 operate a water treatment plant on the Site. Plaintiff does not
16 presently seek recovery from Defendants for those post-February
17 29, 1996 costs."

18 "In 2002, this Court found Defendants to each be a
19 "potentially responsible party" for the site contamination, and
20 found them jointly and severally liable for response costs under
21 CERCLA (Doc. #1241)."

- 22 2. At page 16, line 8, the following provision is added to the order: "It is further
23 ordered that the Defendants, T.W. Arman and Iron Mountain Mines, Inc., are
24 jointly and severally liable to the Plaintiffs for additional response costs incurred
25 at the Iron Mountain Superfund Site, and for prejudgment interest on those costs
26 as provided by law, to the extent that those costs have not been, and are not being
27

1 paid pursuant to the December 8, 2000 Consent Decree settlement.”
2

3 IT IS SO ORDERED.
4

5 Dated: October 1, 2010

/s/ John A. Mendez
 JOHN A. MENDEZ,
 UNITED STATES DISTRICT JUDGE